

THE 49TH ANNIVERSARY OF  
BROWN VS. BOARD OF EDUCATION

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 14, 2003*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in honor of the 49th Anniversary of Brown vs. Board of Education decision, which declared segregation of public schools illegal. The case was sparked by Linda Brown, a black girl denied admission into a white elementary public school in Topeka, Kansas. The NAACP took up her case, along with similar ones in Kansas, South Carolina, Virginia, and Delaware. All five cases were argued together in December, 1952 by Thurgood Marshall.

I am proud to stand here today in honor of one of our country's pioneers in the history of civil rights. Before serving 24 years as the first African-American on the United States Supreme Court, Thurgood Marshall served as legal director of the NAACP. Marshall was once asked for a definition of "equal" by Justice Frankfurter. He responded, "Equal means getting the same thing, at the same time, at the same place."

As a tribute to Thurgood Marshall and his lifelong plight, the Congressional Black Caucus, Microsoft and the Thurgood Marshall Scholarship Fund recently announced the creation of the Thurgood Marshall Scholarship Fund Technology Initiative. This initiative will support technology, training for students at public Historically Black Colleges and Universities.

I am grateful to have contributed to the legacy of such a great American. As immediate past chair of the Congressional Black Caucus, I am pleased that the seed planted under my administration has now blossomed into a fruitful initiative.

Mr. Speaker, I would also like to thank all of my colleagues for being here today to commemorate this important event, so fundamental to our societal growth. I am here today because I believe that education must be our number one national priority. In my almost thirty years as a legislator, I have fought to ensure that education is at the forefront of the legislative agenda.

The President has promised to "leave no child behind," unfortunately, the current administration is not getting the message. The President's budget falls \$9.7 billion dollars short of the funding commitment made in No Child Left Behind to K-12 education and \$5.3 billion dollars short of level provided in the Senate Appropriations bill for Fiscal Year 2004. How can we ask educators to meet high standards at the same time we hand them a budget that forces class size increases, cuts in academic programs, and teacher layoffs. Demanding more but paying less does not work.

In fact, President Bush proposes a second year of historically low federal investments in educations, with an increase of only 5.6 percent. This is contrast to the average increase of 13 percent over the past seven years. That doesn't even keep pace with inflation. The President's budget also cuts targeted funding for assistance for school dropouts and higher education programs.

Other programs barely survive the budget chopping block—resources for teacher train-

ing, educational technology, after-school programs, and safe and drug-free schools are frozen; while for the second year in a row he allocates no money for school modernization.

It is time we say, "Enough is enough!" We cannot afford to loose one more brilliant Black mind because the opportunity for a quality education was not available to him or her. Financial constraints should not hinder our youth from exploring knowledge and expanding their minds. We must make sure that the people we vote into office do not ignore our desire to educate our youth by selecting judicial nominees that rob us of equal access to education, just as it was robbed from us before Brown v. Board of Education. And we must educate the populace on legislation that threatens to take away our hardearned rights, rights that we should have never had to fight for in the first place, rights to receive equal and quality access and opportunity to education.

Education is not a luxury item that can be trimmed when more enticing budget items beckon. It is an essential element that should be our highest national priority. Now is the time to increase education spending.

Mr. Speaker, I would like to close by asking my colleagues in the House of Representatives to join me in extending my appreciation to the legacy of Justice Thurgood Marshall, the Brown family, and all of the unsung heroes who worked so tirelessly for equality and justice in America's public institutions of learning.

HONORING MYRON BLUMENFELD

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 14, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the 35th Anniversary of Residents for a More Beautiful Port Washington and its Chairman, Myron Blumenfeld, for his strong leadership, dedication and commitment in making Port Washington a more beautiful town.

In 1968, Myron and a group of concerned citizens founded Residents for a More Beautiful Port Washington with the simple plan to plant a tree by a gas station. Soon, the people of Port Washington began to organize daily for environmental action and Myron's organization slowly grew from a handful of members to a prestigious and influential non-profit action group. Today, Residents for a More Beautiful Port Washington boasts more than 2,000 active members who cross political, racial, religious, ethnic and economic divides to preserve and enhance the environment of Port Washington and the surrounding communities.

Among the major projects the group has spearheaded are: protecting drinking water, building waterfront trails, contributing thousands of dollars to the Port Washington Board of Education to fund projects which helps students to learn about our ecosystem, planning the Main Street Park and Town Dock, and of course, planting hundreds of trees throughout Port Washington.

As the founder and chairman of Residents for a More Beautiful Port Washington, Myron Blumenfeld has consistently displayed his lifelong passion and spirit to improve our environment and our quality of life. A graduate of Syracuse University with a Masters Degree in

Business from New York University, Myron was vice president of Bloomingdales for 34 years where he routinely answered his phone with "Save Hempstead Harbor". Myron's commitment to the environment was quickly recognized by then Governor Cuomo who appointed Myron as Chairman of the Long Island Parks Commission. As Chairman, Myron initiated the first Long Island Parks environmental education program. Myron also served as Chair of the Sierra Club's Atlantic Chapter and formed the Sierra Club's first Long Island Chapter. In addition, Myron served on the boards of the Environmental Planning Lobby and American Friends of Neot Kedumin. In November of 2002, Myron and the Residents for a More Beautiful Port Washington received the well deserved Environmental Advocates of New York State Award.

Mr. Speaker, I am proud to represent such an exceptional individual and commend Myron Blumenfeld for his dedication to preserving and working for the beautification of Port Washington. On May 18, 2003, Residents for a More Beautiful Port Washington will recognize Myron's important contributions at its 35th Annual Gala. I ask my colleagues in the House of Representatives to please join me in wishing Myron Blumenfeld and the Residents for a More Beautiful Port Washington many more years of success as they celebrate their 35th Anniversary.

INTRODUCTION OF G-8  
RESOLUTION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 14, 2003*

Ms. LEE. Mr. Speaker, today I am introducing a resolution calling on the President to encourage members of the G-8 and representatives of the European Union to pledge and contribute a substantial amount of money to the fight against global AIDS, tuberculosis, and malaria, in order to complement the recent commitment of the United States to spend \$15 billion in the next five years.

The resolution clearly lays out the history of the G-8's involvement in the global HIV/AIDS fight, beginning in 1987 at the summit meeting in Venice, where the G-8 first recognized AIDS as one of the biggest potential health problems in the world. It was at this meeting that member states first agreed to expand international cooperation and intensify national efforts to educate the public and prevent AIDS from spreading even further.

Today, 15 years later, HIV/AIDS has become an even greater threat to humanity than we would have ever envisioned back in 1987. AIDS has already devastated the continent of Africa, where over 30 million people are currently living with AIDS, and where hundreds of millions more are still in danger of getting infected. And now AIDS is poised to wreak havoc in India and China, as each country's large population has the potential to mask rising trends of infection and understate the true reach of the pandemic.

As the leading killer of HIV/AIDS infected individuals, tuberculosis is on the rise, and in virtually every country surveyed by the World Health Organization, drug resistant strains of tuberculosis have already been found. Malaria

is also experiencing a resurgence, as AIDS makes it easier for the parasite to survive once it enters the body. Together these diseases represent an incredible challenge to public health systems worldwide, but particularly in developing nations that lack the infrastructure or resources to adequately deal with these three epidemics.

Back in 1998 when I was first elected to Congress, we already knew that AIDS in combination with tuberculosis was creating a humanitarian disaster in many parts of Africa. Together with my good friend and colleague, former Congressman Ron Dellums, and with strong support and help from Congressman JIM LEACH, we helped create the first truly global response to this pandemic through passage of the Global AIDS and Tuberculosis Relief Act of 2000—which established the framework for what would become the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

At the same time, the G-8 had also reached a watershed moment in its response to AIDS and other infectious diseases at the Okinawa summit meeting in 2000. Recognizing the link between HIV/AIDS and poverty, the G-8 produced an ambitious plan to combat AIDS, tuberculosis and malaria. And yet, overall global funding for these diseases was slow in rising.

The UN Secretary General's formal call for the establishment of the Global Fund in the summer of 2001 did produce a total of \$1.3 billion in pledges of support from members of the G-8. Although this was a noteworthy development, it represented only about a tenth of the total estimated need. Coming from the world's richest nations, this was a paltry commitment of resources.

At the same time, here in the House of Representatives we were working on legislation that would authorize about \$1.4 billion for global AIDS programs, while the Senate was seeking to provide around \$5.5 billion over two years. Both efforts recognized the importance of international institutions like the Global Fund, and committed between \$750 million to \$1 billion for the Fund in FY'03. Ultimately we were unable to reconcile these two bills. Tragically, another opportunity was lost.

In 2002, at the summit meeting in Kananaskis, Canada, the G-8 drafted and endorsed in partnership with a variety of African countries, the G-8 Africa Action Plan. This plan laid out a specific set of strategies to help empower Africans in combating the AIDS pandemic. Despite pledging their whole-hearted support for the initiative, little new actual funding materialized from the G-8 in the months following the meeting.

This year, AIDS has become an even more urgent issue for us to deal with. The President's pledge to provide \$15 billion to combat AIDS stimulated our negotiations on this year's authorization bill, and finally provided the extra push to dramatically increase our level of funding.

House passage of H.R. 1298, The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, on May 1, 2003, and the pending action on the bill in the Senate provides us with an even greater incentive to encourage the rest of the international community, particularly the G-8, to match our commitment to defeating these three pandemics.

My resolution follows on the recent passage of H.R. 1298, and would accomplish this objective. I encourage all members to support

this resolution, and I hope that it will be considered on the floor.

## DAMON KEITH—GUARDIAN OF THE CONSTITUTION

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2003

Mr. CONYERS. Mr. Speaker, I rise today to remind America what we all owe to the Honorable Damon J. Keith, who has faithfully served on the Federal Bench for some 35 years. His giant legacy looms large on America's legal landscape. He is widely respected by his fellow judges, by the Bar and by informed citizens throughout the land, not only for his constitutional scholarship, but also for the courage of his convictions and his judicious compassion.

Judge Keith has had a truly illustrious career. Above all, his decisions have protected the Bill of Rights from assaults by the Executive; and they have vindicated the Founding Fathers' wisdom in giving us an independent Judicial Branch. Like his namesake, the "Damon" of Greek mythology, Judge Keith's boundless love of the law and steadfast devotion to justice has won the respect of allies and adversaries alike.

Judge Keith was appropriately born on the Fourth of July in 1924. He holds a law degree from Howard Law School and a masters degree in law from Wayne State University. Judge Keith's accomplishments and commitment have garnered awards too numerous to enumerate fully. I will cite just a few.

Both the State of Michigan and the City of Detroit have repeatedly honored their native son. The Michigan Chronicle chose Judge Keith to represent the legal profession as one of Ten of "The Century's finest Michiganders." The Detroit Legal News recognized him as one of Michigan's 16 "Legal Legends of the Century." In recognition of his dedication to quality education for all, the Detroit Board of Education named the Damon J. Keith Elementary School in his honor. He was honored by the Detroit Urban League with its Edward J. Devitt Distinguished Service to Justice Award. (He was nominated for the Devitt Award by judges and attorneys throughout the country.)

The national legal community has equally recognized his contributions to the rule of law and his devotion to the Constitution. In 1990 President George Bush appointed him to the National Commission on the Bicentennial of the Constitution. Judge Keith's rejection of discrimination in any form earned him the Distinguished Public Service Award from the Anti-Defamation League of the B'nai B'rith. The NAACP awarded Judge Keith its highest accolade, the Spingarn Medal (whose previous recipients include Rev. Martin Luther King, Justice Thurgood Marshall and General Colin Powell.) Almost 40 universities and colleges have conferred honorary degrees on Judge Keith.

In 1997, The American Bar Association summed up why Judge Keith is universally held in such high esteem when it gave him its prestigious Thurgood Marshall Award:

Judge Keith represents the best in the legal profession. His work reflects incisive analysis of issues, principled application of

laws and the Constitution, passionate belief in the court's role in protecting civil rights, a commitment to community service and, most significantly, an independence of mind to do what's right that is at the core of his view of professional responsibility.

In 2001, the ABA also conferred on Judge Keith its ABA Spirit of Excellence Award.

This brief recital illustrates Judge Damon Keith's extraordinary standing within the Bar. In order for you to understand how he has earned that reputation, however, it is helpful to recall several of his most noteworthy opinions.

#### THE "PONTIAC SCHOOL DESEGREGATION CASE"

This weekend, many of us in Detroit will be celebrating the anniversary of the Supreme Court's historic opinion in *Brown v. Board of Education*, unquestionably one of the greatest of that court's decision in our history. As you well know, however, it took decades of determined labor by many dedicated people to actually implement the proud promise of *Brown*. They were led, in the North as in the South, by brave federal judges who simply believed that the Constitution, as interpreted by the Supreme Court, must be enforced.

Judge Keith's opinion in the Pontiac school desegregation case will always be remembered by those in the struggle as a profile in courage. Judge Keith was not eager to reject the benefits of neighborhood school assignments, nor unmindful of the very strong community feelings. Still, he stayed true to his oath to uphold the Constitution. He enforced the necessary remedies of past de jure school segregation.

#### THE "KEITH CASE"

Perhaps Judge Keith's most famous decision is aptly now known among constitutional scholars as the "Keith case." Prior to 1970, every modern President had claimed "inherent Executive power" to conduct electronic surveillance in "national security" cases without the judicial warrant required in criminal cases by the Fourth Amendment to the Constitution. Then Attorney General John Mitchell, on behalf of President Richard Nixon sought to wiretap several alleged "domestic" terrorists without warrants, on the ground that it was a national security matter. Judge Keith rejected this claim of the Sovereign's inherent power to avoid the safeguard of the Fourth Amendment. He ordered the government to produce the wiretap transcripts. When the Attorney General appealed to the U.S. Supreme Court, the Court unanimously affirmed Judge Keith.

The *Keith* decision not only marked a watershed in civil liberties protection for Americans. It also led directly to the current statutory restriction on the Government's electronic snooping in national security cases. The Supreme Court had limited its agreement with Judge Keith that judicial warrants were required in cases involving alleged domestic security threats. The Court left open the question of whether judicial warrants also were required in the case of suspected foreign threats to national security. Nevertheless, the Nixon Administration was afraid to risk a subsequent Supreme Court ruling that they were required in that area, as well. Therefore, President Nixon reluctantly agreed to sign the Foreign Intelligence Surveillance Act creating a special "FISA Court" to hear applications for warrants in foreign national security cases.

#### THE "HADDAD CASE"

Some thirty years later, history has come full circle. Once again, an overreaching Attorney General is undermining the Bill of Rights